

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID LEE WOMACK,	:	CIVIL ACTION NO. 1:06-CV-2348
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
JOSEPH V. SMITH, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 25th day of April, 2012, upon consideration of the correspondence from counsel for plaintiff David Lee Womack (“Womack”), dated April 20, 2012, concerning additional videos of Womack recorded in 2010 while Womack was housed at USP Springfield, wherein counsel requests that the court exclude these additional post-incident videos from trial, and upon further consideration of the response thereto wherein defendants state that they “have not determined how, if at all, [they] will use these videos,” and the court finding, consistent with its prior memorandum and order regarding other post-incident videos (see Doc. 203, at 15-16), that post-incident videos are irrelevant to defendants’ state of mind because they do not and could not inform defendants’ decision to maintain Womack in restraints for 26 days, and the court concluding that any use of the videos for impeachment purposes on the issue of Womack’s injuries is a matter that the court will take up at trial, should the need arise, it is hereby ORDERED that the post-incident videos are inadmissible as to defendants’

state of mind and defendants shall address the court at side-bar prior to any use of said videos for impeachment purposes.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge